UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,375	09/26/2001	Florian Patrick Nierhaus	2001P17780US	6408

7590   11/23/2007

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
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EXAMINER
PHAN, MAN U

ART UNIT	PAPER NUMBER
2619	

MAIL DATE	DELIVERY MODE
11/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/965,375	NIERHAUS ET AL.
	Examiner	Art Unit	
	Man Phan	2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 September 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-10,14-19 and 21-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 2, 4, 5, 7-10, 15-19, 21-22, 24-25* is/are rejected.

7)☒ Claim(s) *6,14 and 23* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to applicant's 09/17/2007 Amendment in the

application of Nierhaus et al. for the "Method for background noise reduction and performance

improvement in voice conferencing over packetized" filed 09/26/2001. The proposed

amendment and response have been entered and made of record. Claims 1, 2, 4-10, 14-19, 21-25

are pending in the application.

Remarks

2.   Applicant's amendment to the pending claims have been considered but are moot in view

of the new ground(s) of rejection, and will be examined as discussed below. Accordingly, This

action is made Non-Final. Rejections based on the newly cited reference follows:

Claim Rejections - 35 USC ' 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
>
> in section 102 of this title, if the differences between the subject matter sought to be patented and the
>
> prior art are such that the subject matter as a whole would have been obvious at the time the invention
>
> was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability
>
> shall not be negatived by the manner in which the invention was made.

4.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5.   Claims 1, 4-5, 9 and 10, 17-18 and 21-22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Epps (US#5,034,947) in view of Kline (US#5,530,699).

With respect to claim 1, 9, 10, 17 and 18, the references disclose a novel system and

method for centralized multipoint conferencing in a packet network, according to the essential

features of the claims. Epps (US#5,034,947) discloses in Figs. 10 and 11 a whisper

conferencing system in packet network comprising receiving inputs from a number of

participants in the conferencing session (ref. 5, Fig. 10); determining a number of prominent

inputs from the received inputs (Ref. 1010, Fig. 10); combining the determined prominent

inputs into a first output stream suitable for being sent to at least one participant of the number

of participants in the conferencing session (Sum circuit 1040, Fig. 10); and combining

determined prominent inputs into a second output stream for an originating participant of a

prominent input of the determined number of prominent inputs, the second output stream not

including the originating participant's input (Ref. 1040, Figs. 10 & 11). Furthermore, Epps

(US#5,034,947) teaches in Fig. 10 a block diagram components of the combined

whisper/nulling circuit 1000, in which receiving inputs from a number of participants in the

conferencing session (Ref. 5, Fig. 10); determining a number of prominent inputs from the

received inputs (Ref. 1010, Fig. 10); combining the determined prominent inputs into a first output stream suitable for being sent to at least one participant of the number of participants in the conferencing session (See also Fig. 11; Col. 7, lines 64 plus).

In the same field of endeavor, Kline (US#5,530,699) discloses in Fig. 2 a conferencing system in packet network comprises a multipoint conferencing unit (42) communicatively coupled over a packetized connection (30, 32, 34) to a plurality of input/output devices (36, 38, 40). Edge nodes 30, 3 2, 34 continuously sample, compress (encode) and packetize the sound from each user 36, 38, 40, respectively into speech fast packets. Edge nodes 30, 32, 34 send the packets to central conference handler 42. Conference handler 42 decodes the packets and creates a conference speech fast packet for each user 36, 38, 40 that includes the sound from the other users, being careful not to include the sound generated by the user receiving that particular packet. The packet is recompressed. This could be accomplished either by creating one packet as a sum from all three users and then echo cancelling the sound from the user to receive the packet or by using separate summers for each user. Thus, the conference handler 42 creates a conference speech fast packet for user 36 that contains the sound from users 38 and 40. Three different packets are created during each time segment. The conference packet for each user 36, 38, 40 is then sent through the respective edge nodes 30, 32, 34. Edge nodes 30, 32, 34 disassemble the conference packets, decompress the sound, and play the sound to users 36, 38, 40 (Col. 2, lines 14 plus).

Regarding claims 4-5 and 21-22, Epps further teaches in Fig. 10 a block diagram illustrated the components of the combined whisper/nulling circuit, in which The processor 1010 receives whisper select signals on lead 1012 and the talk slot grant signals on leads 1014

for lines 1-k. The whisper select signals 1012 are generated upon request by the users or the

system operator as whisper mode enable signals. The processor 1010 detects the select signal

and routes signals via the cross-point switch 1020 appropriately. In whisper select mode, lead

1012 becomes activated for two individual talk slots as will be discussed later. The processor

1010 is interconnected over a bus 1016 to the cross-point switch 1020. In the combined

whisper/nulling circuit 1000 of FIG. 10, the subtraction circuit 60 of FIG. 1 is modified to also

provide summation. In the TALKER NULLNG MODE of operation, the speech data in a time

slot for the talker is delayed by circuits 50, switched from lines 54 to lines 1032 by the select

circuits 1030, and delivered through the difference/summation circuits 1040 wherein

subtraction occurs. This mode of operation is the same as for FIGS. 1-9 except with the

addition of the select circuits 1030 and the use of the whisper select 1012. In the WHISPER

MODE of operation, the speech data for the two parties to the whisper conference are

interchanged in their respective time slots by cross-point switch 1020 under control of

processor 1010 and delivered over lines 1024. The select circuits 1030 for the two whisper

conference parties are then activated by whisper select 1012 to deliver the interchanged speech

data to the difference/summation circuit 1040 where the interchanged speech data in the talk

slot for the first whisper conferee is added to the sum of all speech data 20 for delivery to the

second whisper conferee so that the second whisper conferee hears the first whisper conferee

talking as well as the conversation from the other talkers in the conference call. However, no

other party to the conference call will hear the whisper conference as whisper data is not

delivered to the summation circuit 40 via 1022 (See also table 11 for example of a six party

conference call with 2 parties engaged in a whisper conference; Col. 7, lines 59 plus).

Regarding claims 2, 7, 8 and 15, 16 and 19, 24, 25, Epps discloses inputs are determined as prominent based upon a characteristic including at least one of loudness, signal strength, clarity and prominence history.

One skilled in the art would have recognized the need for performance improvement of centralized multipoint conferencing in a packet network, and would have applied Kline's voice conferencing in packet network into Epps's novel use of the combined whisper/nulling circuit in conference call. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Kline's method for distributed voice conferencing in a fast packet network into Epps's whisper circuit for a conference call bridge including talker nulling and method therefor with the motivation being to provide a method and system for providing a conferencing session to a plurality of participants.

Allowable Subject Matter

7.   Claims 6, 14, 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for the indication of allowable subject matter: The closest prior art of record fails to disclose or suggest wherein the next most prominent received input is determined by a characteristic different than the characteristic utilized to determine the number of prominent inputs from the received inputs, as specifically recited in claims.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to M. Phan whose telephone number is (571) 272-3149. The

examiner can normally be reached on Mon - Fri from 6:00 to 3:00.
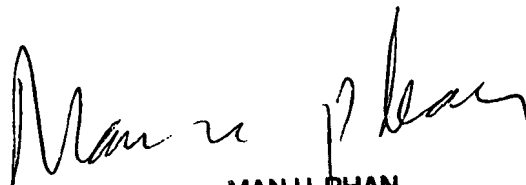
        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jay Patel, can be reached on (571) 272-2988. The fax phone number for the

organization where this application or proceeding is assigned is (571) 273-8300.

        Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (571) 272-2600.

9.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information for

unpublished applications is available through Private PAIR only. For more information about

the PAIR system, see http://pair-direct.uspto.gov. Should you have any questions on access to

the Private PAIR system, contact the Electronic Business Center (EBC) at toll free 1-866-217-

9197.

Mphan

11/21/2007.

**MAN U. PHAN
PRIMARY EXAMINER**